

REMARKS

Claims 11-18 are pending in this application. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 102

Claim 11 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Howell et al. (U.S. Patent No. 6,341,572). Applicant respectfully traverses this rejection

Claim Rejections Under 35 U.S.C. § 103

Claims 12-15 and 17-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Howell et al. in view of Wagner et al. (U.S. Patent Publication No. 2003/0226669). Claim 16 is rejected under 35 U.S.C. § 103(a) as allegedly being unaptentable over Howell et al. in view of Wagner et al. (DE 19811851 A1). Applicant respectfully traverses this rejection.

Howell discloses an explosion prevention system for an internal turret mooring system. More specifically, he discloses that it is desirable to maintain within the QCDC room 24 an atmosphere including a sufficient percentage of inert gas that the oxidant concentration within the atmosphere of the room will render the atmosphere nonflammable. An atmosphere control system inerts the enclosure by reducing the oxygen concentration of the atmosphere within the room to a level at which combustion cannot be supported, regardless of the amount of combustibles present.

Further, in the event of failure of the inert gas supply, backup inert gas bottles (for example, compressed nitrogen bottles) are also provided as shown at 66. The backup inert gas

supply is in controlled connection with a supply line 60 and is thus controlled by the same pressure control equipment as used with a primary inert gas supply system.

Also, Howell discloses that in the event the environmental gas should contain a significant percentage of flammable constituents, the inert gas will render the oxidant percentage below the lower explosive limit (LEL) of the flammable gas, i.e., the lowest concentration of a flammable gas or vapor in air at atmospheric pressure capable of being ignited (see column 9, lines 3-10).

However, while Howell discloses using a secondary source for an emergency and also discloses keeping the oxidant percentage below the LEL, Howell does not specifically disclose maintaining a control concentration (RK) by means of the secondary source for an emergency operating period when an operating concentration (BK) is equal to or substantially equal to a design concentration (AK) defined for the protected area, nor does he disclose or even remotely suggest the control concentration (RK) and the operating concentration (BK), forming a failure safety margin (ASA), being lowered so far below the design concentration (AK) defined for the protected area that the growth curve of the oxygen content, reaches a limit concentration (GK) defined for the protected area only in a predefined time when the primary source fails, as recited in claim 11.

Claim 11 has been amended in accordance with the parallel European case, to recite the second alternative mentioned therein, i.e. the alternative not using a secondary source in order to maintain the oxygen content in the protected area for a defined period at a control concentration below an operating concentration in case of a failure of the primary source.

As noted above, Howell is completely silent concerning the second alternative, i.e. concerning the specific aspect, according to which the control concentration and the operating concentration are lowered so far below the design concentration that the growth curve of the oxygen content reaches a limit concentration only in a predefined time when the primary source fails.

In fact, Howell only teaches a person skilled in the art to reduce the oxygen content in the protected area at a concentration which is just sufficient that combustion of the enclosures mixture will not occur. Contrary to the prior art, however, the present invention provides an inertization method wherein the control concentration is lowered far below the design concentration such as to secure that, at a failure of the inert gas source, the oxygen content reaches a limit concentration only in a predefined time.

With respect to the dependent claims 12-18, Applicant submits that these claims are patentable for the reasons set forth above with respect to independent claim 11.

Accordingly, reconsideration and withdrawal of the rejections and allowance of the application is hereby solicited.

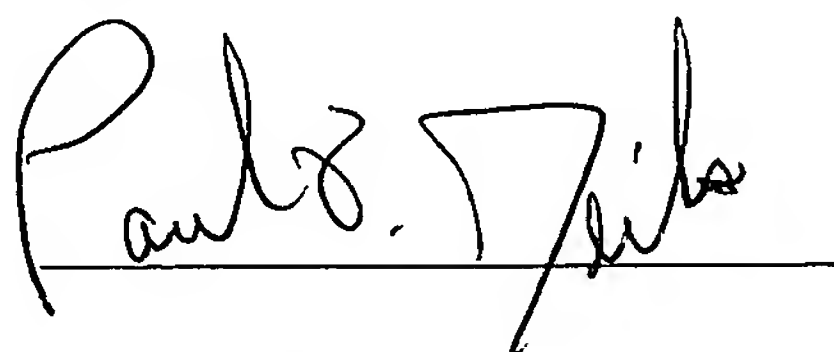
If the Examiner believes that there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Amendment Under 37 CFR 1.111
U.S. Patent Application No.: 10/584,905

Attorney Docket No.: 30000.0002
Customer No. 57362

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul F. Neils", written over a horizontal line.

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Date: October 7, 2008